

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

BERNARD BEYER,

Plaintiff,

v.

Case No. 10-C-1066

VILLAGE OF ASHWAUBENON, et al.,

Defendants.

ORDER DENYING MOTION FOR RECONSIDERATION

Plaintiff Bernard Beyer, who is proceeding pro se, lodged a complaint under 42 U.S.C. § 1983, alleging civil rights violations arising out of the loss of his car which was eventually towed from a private parking lot after he was taken into custody. On January 19, 2011 this Court dismissed plaintiff's complaint for failure to state a cause and Judgment was entered on January 20, 2011. (Dkt. 8-9.) Plaintiff has filed a motion for reconsideration, asking the Court to revisit its dismissal of his case. (Dkt. 12.)

A motion for reconsideration serves a very limited purpose in federal civil litigation; it should be used only "to correct manifest errors of law or fact or to present newly discovered evidence." *Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246, 251 (7th Cir. 1987) (quoting *Keene Corp. v. Int'l Fidelity Ins. Co.*, 561 F. Supp. 656, 665-66 (N.D. Ill. 1976), *aff'd* 736 F.2d 388 (7th Cir. 1984)). "A 'manifest error' is not demonstrated by the disappointment of the losing party. It is the 'wholesale disregard, misapplication, or failure to recognize controlling precedent.'" *Oto v. Metro. Life Ins. Co.*, 224 F.3d 601, 606 (7th Cir. 2000) (quoting *Sedrak v. Callahan*, 987 F. Supp.

1063, 1069 (N.D. Ill. 1997)). Such motions are disfavored and should be “rare.” *Bank of Waunakee v. Rochester Cheese Sales, Inc.*, 906 F.2d 1185, 1191 (7th Cir. 1990).

Plaintiff’s motion for reconsideration contains no new evidence and points to no new controlling law. Instead Plaintiff’s brief reiterates his earlier arguments and cites cases, codes, and statutes that were all available at the time he filed his initial lawsuit. The cases Plaintiff cites in his motion do not alter the analysis or outcome of my prior order.

IT IS THEREFORE ORDERED that Plaintiff’s motion for reconsideration (Dkt. 12) is **DENIED**.

Dated this 22nd day of February, 2011.

s/ William C. Griesbach
William C. Griesbach
United States District Judge